Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. *(**currently** amended):* A method for making a prognosis in a human subject of

(i) enhanced recovery from a gram positive infection, or an inflammatory condition selected from the group consisting of SIRS, sepsis, and septic shock ~~an inflammatory condition~~, or

(ii) an increased ~~increased at~~ risk of developing ~~developing,~~ the gram positive infection or the inflammatory condition,

the method comprising determining in a nucleic acid sample from the human subject a genotype at ~~defined by~~ polymorphic position 201 of SEQ ID NO:1~~one or more polymorphic sites in the toll-like receptor 2 (TLR-2) nucleic acid,wherein said~~which genotype is

(a) a protective genotype that is predictive or indicative of an enhanced ability of the subject to recover from the gram positive infection or the inflammatory condition, or

(b) a risk genotype that is predictive or indicative of said increased risk of ~~risk for~~ developing the gram positive infection or the inflammatory condition.

2. to 5 Canceled

6. *(**currently** amended):* The method of claim 1~~claim 5~~, further comprising the step of obtaining the nucleic acid sample from the subject.

7. *(**currently** amended):* The method of claim 1, wherein said genotype is determined by one or more of the following methods:

(a) restriction fragment length analysis;
(b) sequencing;
(c) hybridization;
(d) oligonucleotide ligation assay;
(e) ligation rolling circle amplification;
(f) 5' nuclease assay;
(g) polymerase proofreading methods; and
(h) allele specific PCR~~; and~~
~~(i) reading sequence data~~.

8. *(**currently** amended):* The method of claim 1, wherein the risk genotype ~~of the subject~~ is predictive or indicative of

(a) a decreased likelihood of recovery from the inflammatory condition, or

(b) an increased risk of having a poor outcome from the inflammatory condition.

9. *(previously presented):* The method of claim 8, wherein the subject is critically ill and the presence of the risk genotype is predictive or indicative of severe cardiovascular or respiratory dysfunction.

10. *(previously presented):* The method of claim 8, wherein the risk genotype comprises at least one T nucleotide at position 201 of SEQ ID NO:1.

11. **Canceled**

12. *(**currently** amended):* The method of claim 1, wherein the subject is critically ill and the protective genotype is predictive or indicative of less severe cardiovascular or respiratory dysfunction or an enhanced ability of the subject to recover from the inflammatory condition.

13. *(**currently** amended):* The method of claim 12~~claim 1~~, wherein the protective genotype is defined as homozygous ~~homozygosity~~ for the A nucleotide at position 201 of SEQ ID NO: 1.

14. canceled

15. *(previously presented):* The method of claim 1~~claim 14~~, wherein the inflammatory condition is SIRS.

16. to 17 canceled

18. *(withdrawn; currently amended):* A kit useful for determining a genotype of a subject or subjects at ~~a defined~~ polymorphic nucleotide position 201 in SEQ ID NO:1~~a TLR-2 sequence from the subject or subjects~~, which genotype is associated with a prognosis of the subject's ability to recover from an inflammatory condition selected from the group consisting of SIRS, sepsis, and septic shock, the kit comprising:

(a) a restriction enzyme with specificity that distinguishes alternate nucleotides at the sequence at the polymorphic site such that the oligonucleotide hybridizes to the polymorphic site ~~or sites~~; or

(b) a labeled oligonucleotide having sufficient complementarity to an alternate nucleotide in a distinguishable manner to a sequence that comprises said alternate nucleotide sequence, thereby permitting determination of the genotype at the polymorphic site; and

(c) optionally, instructions for use of said enzyme and/or said oligonucleotides in determining the genotype.

19. canceled

20. *(withdrawn):* The kit of claim 18 further comprising an oligonucleotide primer or a set of oligonucleotides suitable to amplify a region flanking the polymorphic site.

21. *(withdrawn):* The kit of claim 20, further comprising a polymerization agent that promotes or permits nucleotide polymerization.

22. *(withdrawn; currently amended):* A method for identifying subjects as being suitable for a trial that tests efficacy of a candidate drug known to be, or suspected of being, useful for treating an inflammatory ~~disease or~~ condition selected from the group consisting of SIRS, sepsis and septic shock, the method comprising

(a) determining a genotype defined by ~~one or more~~ polymorphic site ~~sites~~ 201 of SEQ ID NO:1 ~~in the TLR-2 sequence~~ for each of said subjects, wherein said genotype is indicative of the subject's recovery ability from the inflammatory ~~disease or~~ condition, and

(b) sorting subjects into a suitable and unsuitable group for said trial based on the subjects' genotype.

23. *(withdrawn; currently amended):* A method for testing a candidate drug for its efficacy in the treatment of an inflammatory ~~disease or~~ condition selected from the group consisting of SIRS, sepsis or septic shock, ~~wherein said disease or condition is~~ associated with a genotype defined by a polymorphism at site 201 or SEQ ID NO:1~~in a TLR-2 gene~~, the method comprising:

(a) identifying in accordance with claim 22 subjects that are suitable for a trial that tests said candidate drug ~~in accordance with claim 22~~; and

(b) administering said candidate drug to each of said subjects, and comparing the subjects' responses to said candidate drug in comparison with the subjects' genotype, thereby testing said candidate drug.

24. *(withdrawn):* The method of claim 23, wherein a subject's response to said candidate drug is measured as the ability to recover from the inflammatory condition.

25. *(withdrawn; currently amended):* The method of claim 22 wherein the subject's response to said candidate drug is ~~inflammatory disease or condition is~~ associated with a gram positive infection.

26. *(withdrawn; currently amended):* The method of claim 23 wherein the subject's response to said candidate drug is ~~inflammatory disease or condition is~~ associated with a gram positive infection.

27. *(withdrawn):* The method of claim 24 wherein the inflammatory condition is a result of a gram positive infection wherein if said genotype is a risk genotype, it is indicative of the subject's risk of gram positive infection.

28. to 39. canceled

40. ***(currently** amended):* The method of claim 1, wherein: ~~the inflammatory condition is a result of a~~

(a) the protective genotypes is predictive or indicative of the subject's enhanced ability to recover from the gram positive infection, and ~~wherein if said genotype is a~~

(b) the risk genotype~~, it~~ is predictive or indicative of the subject's increase risk of developing the gram positive infection.

41. to 46. canceled

47. ***(currently** amended):* The method of claim 40 ~~claim 46~~, wherein the risk genotype comprises at ~~has at~~ least one A nucleotide at position 201 of SEQ ID NO:1.

48. ***(currently** amended):* The method of claim 40~~claim 46~~, wherein the protective genotype is defined as homozygous ~~homozygosity~~ for the T nucleotide at position 201 of SEQ ID NO:1.

49. to 55. Canceled